

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE:

ROOD AND ROMUS JOSEPH

NO. 16-52194 KMS

MOTION FOR RELIEF FROM AUTOMATIC STAY

Comes now Capital One Auto Finance (hereinafter "Capital One"), by and through its counsel of record, Byrd & Wiser, and files this its Motion for Relief from Automatic Stay, pursuant to Section 362 of the Bankruptcy Code, and in support of same would show unto the Court the following, to-wit:

I

The Debtors filed their Chapter 13 Petition on or about December 21, 2016.

II

That Capital One is the holder of a secured claim as to certain personal property of the Debtors, namely one (1) 2010 Chrysler 300, VIN 2C3CA5CVOAH270622, all as more fully set forth on Exhibit "A" which is attached hereto and incorporated herein by reference.

III

That Capital One is owed the principal sum of \$14,000.73, exclusive of accumulating late charges and reasonable attorney's fees necessitated by the filing of the instant Motion.

IV

Capital One would show unto the Court that pursuant to the Debtors' Plan, the Debtors do not propose to pay for Capital One's collateral.

V

Capital One would furthermore show unto the court that the Debtors have failed and refused to maintain insurance on the subject matter vehicle duly naming Capital One as lien holder and loss payee as required by the parties' Retail Instalment Sale Contract.

VI

Adequate cause exists for termination of the Automatic Stay pursuant to Section 362(d) of the Bankruptcy Code as to the Movant, Capital One.

WHEREFORE, premises considered, Capital One would pray that after notice and hearing this Court enter its Order terminating the Automatic Stay of Section 362 of the Bankruptcy Code as to the Movant, Capital One, so as to allow it to pursue its rightful remedies as to its subject matter collateral, and that this Court furthermore enter its Order abandoning the subject matter vehicles as property of the estate, and Capital One furthermore prays that it be awarded its reasonable attorney's fees necessitated by the filing of the instant motion and Capital One prays for such other and further relief as is just and proper in the premises.

Respectfully submitted,

CAPITAL ONE AUTO FINANCE

BY: BYRD & WISER

BY:

ROBERT ALAN BYRD



CERTIFICATE

I, ROBERT ALAN BYRD, Attorney for Capital One Auto Finance, do hereby certify that I have this date transmitted via Electronic Case Filing, as it appears on this date in the court registered e-filers of CM/ECF and/or via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing Motion for Relief from Automatic Stay to the following:

William Stover, Jr., Attorney for Debtors, at merideth@wesstover.com

J. C. Bell, Trustee, at mdg@jcbell.net

Office of the U.S. Trustee, at USTPRegion05.JA.ECF@usdoj.gov

WITH A COPY MAILED TO:

Rood and Romus Joseph, Debtors
63 JT Speed Road
Collins, MS 39428

This the 1 day of February, 2017.


ROBERT ALAN BYRD

THESE RECORDS ARE THE PROPERTY OF THE STATE OF SOUTH DAKOTA. THEY ARE TO BE KEPT IN A SECURE PLACE AND NOT MADE PUBLIC. ANY HOLDER OF THESE RECORDS IS SUBJECT TO ALL CLAUSES AND CONDITIONS CONTAINED IN THE RECORDS ACT.

CERTIFICATE OF TITLE

Form 79-001-05-7-1-000

STATE OF MISSISSIPPI

ORIGINAL

VEHICLE IDENTIFICATION NUMBER	MAKE	YEAR	MODEL	BODY	TITLE NUMBER
2C3CA5CVOAH270622	CHRY	2010	300	4D	G149126-01

TITLE DATE	DATE OF FIRST SALE FOR USE NEW ONLY	NO. CYL.	NEW / USED	TYPE OF VEHICLE	PASS. OR GVW
05032012		06	X	PASS	000

ODOMETER - TENTHS NOT INCLUDED

037041

ACTUAL MILEAGE

OWNER

JOSEPH ROMUS OR ROOD
63 J T SPEED RD
COLLINS MS 39428

1ST LIENHOLDER (OR OWNER IF NO LIEN)
CAPITAL ONE AUTO FINANCE
P O BOX 255605
SACRAMENTO CA 95865

DATE:
MONTH 1 DAY 1 YEAR
03/17/2012

2ND LIENHOLDER

DATE:
MONTH 1 DAY 1 YEAR

LIEN SATISFACTION: THE UNDERSIGNED HOLDER OF ABOVE DESCRIBED LIENS ON THE MOTOR VEHICLE DESCRIBED HEREON HEREBY ACKNOWLEDGES SATISFACTION THEREOF

1ST LIEN _____ BY _____ (SIGNATURE AND TITLE)

THIS _____ DAY OF _____ 20 _____

2ND LIEN _____ BY _____ (SIGNATURE AND TITLE)

THIS _____ DAY OF _____ 20 _____



IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS

THE 03 DAY OF MAY 20 12
8021 0776

The Mississippi Department of Revenue hereby certifies that on application duly made, the person named herein is registered by this office as the lawful owner of the vehicle described subject to the liens or security interests as may subsequently be held with the Mississippi Department of Revenue. This certificate of title is issued pursuant to the Mississippi Motor Vehicle Title Law Section 63-21-1, Mississippi Code of 1972, and subject to the provisions thereof.

CONTROL NUMBER

MISSISSIPPI DEPARTMENT OF REVENUE

VOID IF ALTERED